

# SECTION V

## GRANT SUBMISSION REQUIREMENTS

### CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan, the jurisdiction certifies that:

**Affirmatively Further Fair Housing** - The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

**Anti-displacement and Relocation Plan** - It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

**Drug Free Workplace** - It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about -
  - (a) The dangers of drug abuse in the workplace;
  - (b) The grantee's policy of maintaining a drug-free workplace;
  - (c) Any available drug counseling, rehabilitation and employee assistance programs; and

- (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- 3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
- 4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
  - (a) Abide by the terms of the statement; and
  - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction;
- 5. Notifying the agency in writing, within ten (10) calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- 6. Taking one of the following actions, within thirty (30) calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -
  - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- 7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

**Anti-Lobbying** - To the best of the jurisdiction's knowledge and belief:

- 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the

entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

**Authority of Jurisdiction** - The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

**Consistency with plan** - The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

**Section 3** - It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

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Signature/Authorized Official

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Date

BILL POSTMUS

Chairman, San Bernardino County Board of Supervisors

Title

## **SPECIFIC CDBG CERTIFICATIONS**

The Entitlement Community certifies that:

**Citizen Participation** - It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

**Community Development Plan** - Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 Part 570.2 and CFR 24 Part 570)

**Following a Plan** - It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

**Use of Funds** - It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available;
2. Overall Benefit. The aggregate use of CDBG funds including Section 108 guaranteed loans during program year(s) 2006 (a period specified by the grantee consisting of one (1), two (2), or three (3) specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least seventy (70) percent of the amount is expended for activities that benefit such persons during the designated period;
3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

**Excessive Force** - It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and,
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

**Compliance with Anti-discrimination Laws** - The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

**Lead-Based Paint** - Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A,B,J,K and R.

**Compliance with Laws** - It will comply with applicable laws.

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Signature/Authorized Official

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Date

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## SPECIFIC HOME CERTIFICATIONS

The HOME participating jurisdiction certifies that:

**Tenant-Based Rental Assistance** - If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

**Eligible Activities and Costs** - It is using and will use HOME funds for eligible activities and costs, as described in 24 CFR 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in 92.214.

**Appropriate Financial Assistance** - Before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing.

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Signature/Authorized Official

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Date

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## **SPECIFIC ESG CERTIFICATIONS**

The Emergency Shelter Grantee certifies that:

**Major rehabilitation/conversion** - It will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for at least ten (10) years. If the jurisdiction plans to use funds for purposes less than tenant-based rental assistance, the applicant will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for at least three (3) years.

**Essential Services** - It will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure as long as the same general population is served.

**Renovation** - Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

**Supportive Services** - It will assist homeless individuals in obtaining appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living, and other Federal, State, local, and private assistance.

**Matching Funds** - It will obtain matching amounts required under 576.71 of this title.

**Confidentiality** - It will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project except with the written authorization of the person responsible for the operation of that shelter.

**Homeless Persons Involvement** - To the maximum extent practicable, it will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, operating facilities, and providing services assisted through this program.

**Consolidated Plan** - It is following a current HUD-approved Consolidated Plan or CHAS.

**Discharge Policy Certification** - It has developed and implemented, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.

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Signature/Authorized Official

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Date

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## **APPENDIX TO CERTIFICATIONS**

### **INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:**

#### **A. Lobbying Certification**

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### **B. Drug-Free Workplace Certification**

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

County of San Bernardino  
Department of Economic and Community Development  
290 North "D" Street, Sixth Floor  
San Bernardino, CA 92415-0040

Check  X  if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace required by 24 CFR Part 24, subpart F.

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

## **RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN**

The County of San Bernardino will replace or if available, identify replacement dwelling units to replace all occupied and vacant occupiable low- and moderate-income dwelling units that have been demolished or converted to a use other than as low- and moderate-income housing, in connection with an activity assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606(c)(1).

All replacement housing will be provided within three years after the commencement of the demolition or conversion. Before entering into a contract committing the County to provide funds for an activity that will directly result in demolition or conversion, the County will make public, by publication in a newspaper of general circulation, and submit to HUD the following information in writing:

1. A description of the proposed assisted activity;
2. The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low- and moderate-income dwelling units as a direct result of the assisted activities;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data are not available at the time of the general submission, the County will identify the general location on an area map and the approximate number of dwelling units by size and provide information identifying the specific location and number of dwelling units by size as soon as it is available;
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a low- and moderate-income dwelling unit for at least ten (10) years from the date of initial occupancy;
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units) is consistent with the housing needs of lower income households in the jurisdiction.

The County of San Bernardino Department of Community Development and Housing (CDH) at (909) 388-0800, in conjunction with the County of San Bernardino Department of Real Estate Services at (909) 387-7844, is responsible for tracking the replacement of housing and ensuring that it is provided within the required period.

CDH and Real Estate Services are responsible for ensuring requirements are met for notification and provision of relocation assistance, as described in 24 CFR 570.606(c)(2), to any lower-income person displaced by the demolition of any dwelling unit or the conversion of a low- and moderate-income dwelling unit to another use in connection with an assisted activity.

Consistent with the goals and objectives of activities assisted under the Act, the County will take the following steps to minimize the displacement of persons from their homes:

1. To the greatest extent feasible, develop new public facilities and improvements only on undeveloped sites.
2. Stage the rehabilitation of apartment units to allow tenants to remain during and after rehabilitation by working with empty units or buildings first.
3. Utilize existing voucher programs to house persons who must be relocated temporarily during rehabilitation.
4. Provide displaced homeowners and renters with information on the assistance available.

## **SUMMARY OF CITIZEN COMMENTS**

**Following is a summary of comments and views of citizens received in writing or orally regarding proposals recommended for funding during preparation of the Second-Year Update of the Consolidated Plan.**

4/4/06

Public testimony at the Board of Supervisors public hearing on the 2005-2010 Consolidated Plan and 2006-2007 Action Plan:

Karen Fosdick, Interim Executive Director, Child Advocates of San Bernardino County (CASBC) thanked the Board of Supervisors for the continuing support of the "Court Appointed Special Advocates" program. They serve 87 children and have 200 on a waiting list. They need to train new adults to meet the needs of the children served by their program. She asked for additional funding if the budget would allow. (Proposal #32172)

Michael Gillium, President, Desert Christ Park Foundation explained that this all- volunteer staff was overseeing the final phase of replacing gravel pathways and parking to allow for ADA access. He thanked the Board of Supervisors for the funding. (Proposal #32202)

Joseph Rodriguez, Director/Gang Counselor, Gang Reduction Intervention Team (GRIT) conveyed his gratitude to the Board of Supervisors for their continued support of the program. The GRIT program has been working with the California Youth Authority and have turned two 16 year-old, female gang members and one 22 year-old male gang member away from gangs. He asked the Second District to reconsider funding GRIT this year. (Proposal #32014)

Penny Liburn, Executive Director Highland District Council on Aging, Inc. expressed appreciation for the funding given and explained that the Highland Senior Center is not new but the population is growing in the area. She asked to be reconsidered for additional funding. (Proposal #32120)

Carol B. Tanenbaum, spoke for the House of Ruth Conveyed her understanding that the Fourth District had cut 25% of funding. She asked to be reconsidered for an increase in funding. (Proposal #32117)

William Parquette, Program Director, Joshua Tree Kids Club thanked the Board of Supervisors for their support of the Joshua Tree Kids Club. (Proposal #32081)

Elisa Valles spoke for Mountain Communities Boys and Girls Club and thanked the Board of Supervisors for the funding. Mountain Communities Boys and Girls Club offers an after school program that teaches kids team sportsmanship by learning to play T-ball and soccer. There are youth who do not have a place to go after school in the area. They serve 52 kids and need funding to expand. (Proposal #32115)

Elisa Valles spoke for Mountain Communities Boys and Girls Club and thanked the Board of Supervisors for the funding. Mountain Communities Boys and Girls Club offers an after school program that provide counseling and mentoring services. The youth do not have a place to go after school. They serve 52 kids and need funding to expand. (Proposal #32116)

Sandy Fleck, Director, Reach Out 29 described the expansion of the program to provide medical transportation to seniors and handicapped persons for the entire Morongo Basin. She thanked the Board of Supervisors for the funding. (Proposal #32171)

John Pi, Director of Operations, Vista Guidance Center (formerly Redlands/Yucaipa Guidance Clinic Assoc.) explained that the substance abuse recovery center in Barstow has a 30-bed facility. 25% of the population served requires mental health counseling. The centers charge using a sliding scale based on the ability to pay. Redlands Yucaipa Guidance Clinic Association has been in operation since 1969. He asked to be considered for additional funding. (Proposal #32182)

Muffin Hill who spoke on behalf of Twentynine Palms Artist' Guild and thanked the Board of Supervisors for the funding. (Proposal #32265)

Sharon McCormick, President Lake Arrowhead Classical Ballet Company described how Measure "B" voted in a community theatre on campus. She revised her proposal to only replace the stage roof to address hazardous conditions due to water leaks. She asked that the request be reconsidered as revised. (Proposal #32184)

**Following is a summary of comments and views of citizens in writing or orally regarding proposals that were not recommended for funding during preparation of the Second-Year Update of the Consolidated Plan.**

4/4/06

Public testimony at the Board of Supervisors public hearing on the 2005-2010 Consolidated Plan and 2006-2007 Action Plan:

Cheryl McMillian, Executive Director, Christian Counseling Services described how Christian Counseling Services provides mental health services to low and moderate income parents and high-risk families. They are the only providers of these specific services in the valley. First Presbyterian Church donated the facility to be rehabilitated and will pay for one-half of the cost to cover the greater East Valley area. She asked to be reconsidered for funding. (Proposals #32213 and #32214)

Willie Hicks, Executive Director of Harvest Care explained how the F.I.G.H.T.S. (Faith in God Heals Troubled Souls) program that was previously funded, has in the past 2 years helped over 200 children. They have seen several young men change their whole outlook on life. The goal is to empower at-risk youth to make good decisions by using the four D's; desire, dedication, determination, and discipline. He asked to be reconsidered for funding. (Proposal #32179)

Tony Orick a private individual asked where does this money come from and would it be better spent on housing? The \$65,000 for the American dream program is a drop in the bucket and will not do anything.

Ruben Martinez, spoke for Libreria Del Pueblo provided information regarding Libreria Del Pueblo immigration services to Hispanic low- and moderate-income families. These families many times are faced with the decision to either buy food to feed their families or pay for immigration fees. The filing fees have gone up. He asked for reconsideration of funding. (Proposal #32132)

Bonnie Gibson-Brydon, OEO, spoke for Mojave Deaf Services indicated that the requested amount of \$89,199 is incorrect, it should have been \$5,000. She indicated that the description was not quite correct. They provide deaf services and work with hospitals and provide interpreting services. The Mojave office closed leaving no services available. She asked for reconsideration of funding for the Mojave Deaf Services. (Proposal #32224)

Linda A. Hardy, CT/CI, Program Director, Mojave Deaf Services provided a detailed description of the programs services. They include but are not limited to, advocacy, independent living skills, peer counseling, and community outreach; like "understanding Medicare Part 'D' " and CPR classes. Mojave Deaf Services travels to the person to provide services. MDS is the only service provider in the northern 9,600 square miles of San Bernardino County. (Proposal #32224)

John Pi, Director of Operations, Vista Guidance Center (formerly Redlands/Yucaipa Guidance Clinic Assoc.) explained that the substance abuse recovery center in Barstow has a 30-bed facility. 25% of the population served requires mental health counseling. The centers charge using a sliding scale based on the ability to pay. Redlands Yucaipa Guidance Clinic Association has been in operation since 1969. He asked to be considered for additional funding. (Proposals #32264, #32281, #32282, #32293)

Carol James, President, South Capital Cottage explained that the South Capital Cottage will provide temporary transitional housing in an acquired or renovated building for services, to 100-200 homeless people, which are greatly needed. She requested consideration for funding. Proposal #32109 and #32110)

Ginger Ontiveros, Foundation Executive Director, Victor Valley College expressed a concern that the Victor Valley College request for security and lighting improvements for low-and moderate-income students was not recommended for funding. She said that she will continue to seek funding for the project, and asked that the request be reconsidered. (Proposal #32160)



## **COUNTY RESPONSES**

The federal regulations governing the Citizen Participation Process require that the plan document include a summary of any comments or views considered in preparing the Consolidated Plan, and include a summary of comments or views not accepted, along with related reasons.

The preceding Summary of Citizen Comments provides information about the comments or views that have been considered, and the comments or views that have not been accepted. The comments or views that have not been accepted have no corresponding proposal on file with the County, or pertain to proposals that have not been recommended for funding.

In all cases, the principal reason for no recommendation of funding for a proposal is the lack of sufficient CDBG funds to meet all needs and to finance all projects. Furthermore, having met the fifteen percent (15%) limitation on public service projects, the County is unable to consider additional public service proposals.